

SENTENCING COMMISSION

MINUTES

Committee:	SENTENCING COMMISSION MEETING				
Date:	Wednesday, December 3, 2003	Time:	12pm-2pm	Place:	Matheson Courthouse Executive Dining Room
Members Present	Paul Boyden, Scott Carver, Blake Chard, Judge Terry Christiansen, K.S. Cornaby, Marlene Gonzalez, Judge Paul Maughan, Jim Marchel, Brian Namba, Judge Gregory K. Orme, Kathy Reimherr, Chief Ed Rhoades, Michael Sibbett, Sy Snarr, Judge Robert S. Yeates				
Members Excused	Sheriff Phil Barney, Senator Gregory Bell, Judge Jeffrey Burbank, Calvin Clegg, Mary S. Corporon, Senator Mike Dmitrich, John Hill, Rep. Ty McCartney, Ed McConkie, G. Fred Metos, Rep. Mike Thompson, Kirk Torgenson				
Staff	Cliff Butter, Gary Franchina, Ron Gordon, Mike Haddon, Jo Lynn Kruse, and visitors Chris Mitchell, Leo Lucey.				
Agenda Item:	Welcome and Approval of Minutes				
Notes:	Kay Cornaby welcomed the commission and visitors. Judge Yeates motioned to approve the November minutes. Mike Sibbett seconded . Passed unanimously.				
Agenda Item:	2004 Legislative Session				
Notes:	Every year the sentencing commission takes a position on legislative bills that relate to criminal sentencing. In past years we have done that through the executive committee, which meets every Monday during the session at noon at the Capitol Building. Those positions taken by the executive committee have been preliminary positions for one week and are posted on the CCJJ website. Members of the commission have the chance during the legislative session to review them. After a week they become final positions if Ron does not hear anything from commission members to the contrary. Ron asked if that procedure is acceptable to the sentencing commission or if they would rather get the information through email. Judge Christiansen motioned to authorize the executive committee to take preliminary positions and for the commission to receive the legislative information through email. Judge Yeates seconded . It passed unanimously .				
Agenda Item:	Schedule Next Meeting/Other				
Notes:	The next Sentencing Commission meeting will be on Jan. 28, 2004, Matheson Courthouse, Conference rooms B & C. Please let Ron know if you have any items for the agenda. If nothing, the meeting will be canceled. The next meeting after that will be the Annual Planning meeting on April 7, 2004, location to be announced. Mike Sibbett asked that the topic of female inmates in the justice system be added to that agenda. It is a serious problem in that rates are increasing at a far greater rate than the men. The concern is treatment, housing and even the possibility of a separate guideline. Judge Orme asked that restitution be added to the April agenda also.				
Agenda Item:	Criminal Absconding – Leo Lucey				
Notes:	During the November meeting, the commission took a preliminary vote to support removing the felony absconding law and invited Adult Probation and Parole to the December meeting to voice their views on that law. It has been found that it has not diminished those that would abscond at all.				

	<p>Leo Lucey stated that he has met with all the regional administrators and they all say that the numbers of absconders are about the same as before the law was enacted. He has found that the law is being applied inconsistently. Many plead down to a misdemeanor. AP&P was the original sponsor of the law sometime in the 1990's and has found that the statute hasn't changed anything like they thought or wanted it to as far as reducing the amount of parolees/probationers that abscond.</p> <p>Chief Rhoades has spoken with the Chief's Association and they felt that this is just one more tool for fighting crime that is being taken away from them. Law enforcement opposes the repeal of the absconding statute.</p> <p>Leo also brought up the fact that a warrant is issued by the BOP when someone fails to comply and that the warrant is a no bail warrant, and is not issued for a new charge, so law enforcement has every right to arrest the absconder. Judge Maughan stated that most do plead down to attempted absconding, most are reduced and he has not seen any trials on an absconding charge. Scott Carver added that the law was created as a tool for AP&P, and that the law has simply not accomplished what it was designed to do. Paul Boyden says that SWAP will support whatever position is made by the Department of Corrections. Motion to approve repeal of the criminal absconding law was made by Paul Boyden, and Mike Sibbett seconded. The motion passed 9-5 with Judge Orme abstaining. A member of the Sentencing Commission and a representative from AP&P will attend the next Chiefs' meeting to discuss this issue.</p>
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Agenda Item:	Mail Theft – Ron Gordon
Notes:	<p>Utah has a mail theft statute, but the penalties are based on the dollar value of the thing stolen. Many times, the item stolen does not have an identifiable value, i.e. a blank check or a credit card application and would be prosecuted as a class B misdemeanor. The Commission discussed whether the lowest penalty for mail theft should be a class A misdemeanor or a third degree felony rather than a class B misdemeanor. Judge Maughan motioned to eliminate the class B misdemeanor penalty for mail theft. Mail with a value lower than \$1000 or with an unascertainable value would be a Class A misdemeanor. Kathy Reimherr seconded. It passed unanimously.</p>

The next meeting is scheduled for Wednesday, January 28, 2004 at noon, Matheson Courthouse, Conference Rooms B & C

Minutes prepared by Jo Lynn Kruse - Executive Secretary CCJJ